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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,153	03/26/2004	Fatih Ozluturk	I-2-0114.1US	8361

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VOLPE AND KOENIG, P.C.  
DEPT. ICC  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/810,153	OZLUTURK, FATIH
	Examiner Roberta A. Shand	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/4/06, 3/17/05</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lysejko (U.S. 5915216).
3. Regarding claim 1, Lysejko teaches (fig. 18) a communication system utilizing spreading code sequences, the system comprising: a first generator which outputs a first repetitious code sequence at a first data rate; and a second generator which outputs a second repetitious code sequence at a second data rate which is higher than the first data rate.
4. Lysejko does not teach the first code sequence is truncated each time the second code sequence is repeated.
5. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.
6. Regarding claims 2, 7, 12, 17, 22 and 24, Lysejko teaches (fig. 17) the second data rate is an integer multiple of the first data rate.
7. Regarding claims 3, 8, 13 and 18, Lysejko teaches (col. 5, lines 23-55) the system is a code-division multiple access (CDMA) communication system.

8. Regarding claim 4, Lysejko teaches a downlink data path in communication with the first generator, the downlink data path having a first bandwidth allocated thereto for sending the first code sequence at the first data rate (fig. 8); and an uplink data path in communication with the second generator, the uplink data path having a second bandwidth allocated thereto for sending the second code sequence at the second data rate, the second bandwidth being larger than the first bandwidth (fig. 7).

9. Regarding claims 5, 10, 15 and 20, Lysejko teaches (fig. 17) the second bandwidth is an integer multiple of the first bandwidth.

10. Regarding claim 6, Lysejko teaches (fig. 18) a communication system utilizing spreading code sequences, the system comprising: a first generator which outputs a first repetitious code sequence at a first data rate; and a second generator which outputs a second repetitious code sequence at a second data rate which is lower than the first data rate.

11. Lysejko does not teach the second code sequence is truncated each time the first code sequence is repeated.

12. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.

13. Regarding claim 9, Lysejko teaches a downlink data path in communication with the first generator, the downlink data path having a first bandwidth allocated thereto for sending the first

code sequence at the first data rate (fig. 8); and an uplink data path in communication with the second generator, the uplink data path having a second bandwidth allocated thereto for sending the second code sequence at the second data rate, the first bandwidth being larger than the second bandwidth (fig. 7).

14. Regarding claim 11, Lysejko teaches (col. 6, lines 35-55) a communication system utilizing spreading code, the system comprising: a base station (SCT); a subscriber unit in communication with the base station (fig. 5B); a first generator which outputs a first repetitious code sequence at a first data rate; and a second generator which outputs a second repetitious code sequence at a second data rate which is higher than the first data rate (fig. 18).

15. Lysejko does not teach the first code sequence is truncated each time the second sequence is repeated.

16. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.

17. Regarding claims 14 and 19, Lysejko teaches a downlink data path in communication with the first generator, the downlink data path having a first bandwidth allocated thereto for sending the first code sequence at the first data rate (fig. 8); and an uplink data path in communication with the second generator, the uplink data path having a second bandwidth allocated thereto for sending the second code sequence at the second data rate, the second bandwidth being larger than the first bandwidth (fig. 7).

18. Regarding claim 16, Lysejko teaches (col. 6, lines 35-55) a communication system utilizing spreading code, the system comprising: a base station (SCT); a subscriber unit in communication with the base station (fig. 5B) a first generator which outputs a first repetitious code sequence at a first data rate; and a second generator which outputs a second repetitious code sequence at a second data rate which is lower than the first data rate (fig. 18).

19. Lysejko does not teach the second code sequence is truncated each time the first sequence is repeated.

20. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.

21. Regarding claim 21, Lysejko teaches (fig. 18) a communication method utilizing spreading code sequences, the method comprising: generating a first repetitious code sequence at a first data rate; generating a second repetitious code sequence at a second data rate which is higher than the first data rate.

22. Lysejko does not teach truncating the first code sequence each time the second code sequence is repeated.

23. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.

24. Regarding claim 23, Lysejko teaches (fig. 18) a communication method utilizing spreading code sequences, the method comprising: generating a first repetitious code sequence at a first data rate; generating a second repetitious code sequence at a second data rate which is lower than the first data rate.
25. Lysejko does not teach truncating the second code sequence each time the first code sequence is repeated.
26. Miller teaches (col. 17, lines 36-54) truncating of a PN code. It would have been obvious to one of ordinary skill in the art to adapt this to Lysejko's system to achieve any desired length, as truncation of PN codes is well known in the art.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300
29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RS

Roberta A Shand  
Examiner  
Art Unit 2616



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